



City of Rockville

MEMORANDUM

March 27, 2015

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Zoning Text Amendment Application TXT2015-00241, Mayor and Council of Rockville, applicant

At its meeting on March 11, 2015 the Planning Commission reviewed and discussed Text Amendment Application TXT2015-00241. The Commission received a presentation from the Planning and Zoning Division staff on the proposed text amendment as well as proposed revisions to the Landscaping, Screening and Lighting Manual. There were no other speakers at the meeting.

The proposed amendment would insert language into Article 17 of the Zoning Ordinance making specific reference to the Landscaping, Screening and Lighting Manual for a specific requirement for landscaping and screening where industrial uses abut residential uses.

The Commission further considered its comments at the meeting on March 25. After discussion and deliberation on the aspects and intent of the proposed amendment and the related revisions to the Manual the Planning Commission is providing comments and concerns raised by the Commission members. The Commission is supportive of the intent of text amendment; however the sense of the Commission is that this is premature. We recommend deferral of action until the Southlawn Industrial Area Feasibility Study has been completed and the committed master planning has been completed. If the Mayor and Council decide to proceed, here are our detailed considerations:

The Commission does note that there needs to be some reference to the screening of residential uses in an industrial zone. The David Scull housing is zoned I-L and adjoins other properties in the I-L Zone that are developed with industrial uses. The proposed language in the Manual only refers to screening for residential uses in a residential zone. It should be made clear that any landscaping and screening requirements will apply in this instance.

These proposed screening requirements do not apply to the recent self-storage warehouse proposal, since that site does not abut any residential zone or use. If this proposal was intended to be a response to that issue, it is ineffectual.

We also have a concern that this proposal is a one-size-fits-all regulation that may be perceived by the public to have more impact than in reality.

The requirement for a six foot opaque fence appears to be at least redundant and perhaps have as much impact on the residences as the view of the industrial building. It would be better if the landscaping was dense enough to create adequate screening by itself. In that regard, it may be better to require more evergreen plantings which would provide relief year-round. The Mayor and Council might also consider eliminating the fence requirement entirely and leaving it to the abutting homeowner to decide if a solid fence or wall is necessary given the amount of landscaping required by the proposal. The industrial property owners may elect on their own to erect fencing for their own privacy or security purposes.

The proposed setback area puts all of the burden on the industrial property. It makes this area effectively unusable since it can't be used for parking or driveways. This effective reduction in the usable area of the lot will have a significant impact, especially on the smaller businesses on small lots. The City needs industrial space. They provide necessary services to a growing population. These regulations may be looked upon as another obstacle to business development in the City and may inhibit future redevelopment. If the buffering regulations are adopted, ways to mitigate hardship to owners of industrial sites might include decreasing their front setback, allowing them to develop a higher percentage of their lot, or allowing them to participate in the City's Rainscape program.

These regulations essentially would have an impact on the industrial uses in the Southlawn Lane area. However, only a limited number of residential lots abut industrial uses in that area. We note, these regulations do not apply to the Stonestreet industrial area (due to intricacies of conformity) and only apply to the junction of one residential lot (end) and the Lewis Avenue industrial area. With such limited tangible applicability, the Commission has concern that the amounts to overblown code.

While there are other areas where these regulations could eventually apply, most of them are already developed with office uses in the MXE Zone and there appears to be little chance of changing from office to service industrial uses in the foreseeable future. The potential conversion of use from office to industrial also raises the issue of creating a nonconforming situation since the setback requirements in the MXE Zone are 25 feet vs. 30 feet in the I-L Zone.

As noted in the staff report, this regulation would not apply to the MXB Zone, since that zone already has a conditional requirement that service industrial uses cannot abut or confront single family residences. This is more stringent than the proposed regulation.

The Commission urges the Mayor and Council to consider these comments and concerns as they review the other testimony on this subject.

Therefore, on a motion by Commissioner Hill, seconded by Commissioner Tyner, and with Commissioners Hill, Tyner, Leiderman, Hadley and Goodman voting in favor of the motion and with Commissioners Littlefield and Trahan absent, the Commission forwards these comments to the Mayor and Council for their consideration in reviewing zoning text amendment TXT2015-00241.